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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

19 WESTELL TECHNOLOGIES, INC., on)
20 behalf of itself and all others similarly)
21 situated,)
22 Plaintiff,)
23 v.)
24 Samsung Electronics Co., Ltd., et al.,)
25 Defendants.)

Case No. C-07-4944-BZ

**[PROPOSED] ORDER APPOINTING
INTERIM LEAD CLASS COUNSEL
FOR DIRECT PURCHASER
PLAINTIFFS**

26 The Motion to Appoint Interim Lead Class Counsel For Direct Purchaser Plaintiffs filed
27 by Freed Kanner London & Millen LLC came on regularly for hearing. The Court, having
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1 carefully considered the papers and pleadings on file and oral arguments of counsel, hereby
2 GRANTS the motion. It is hereby ORDERED that:

3 1. Pursuant to Federal Rule of Civil Procedure 23(g)(2)(A), the Court appoints Freed
4 Kanner London & Millen LLC, Saveri & Saveri, Inc. and Pearson, Simon, Soter, Warhsaw &
5 Penny, LLP as Interim Lead Class Counsel for the direct purchaser plaintiff class.
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7 2. Interim Lead Class Counsel shall be responsible for the overall conduct of the
8 litigation on behalf of the direct purchaser plaintiff class as follows:

- 9 a. To promote the orderly and efficient conduct of this litigation and to avoid
10 unnecessary duplication and unproductive efforts for all parties;
11 b. To conduct all pretrial, trial and post-trial proceedings on behalf of plaintiffs;
12 c. To sign any pleadings, motions, briefs, discovery requests or objections,
13 subpoenas or notices on behalf of plaintiffs;
14 d. To determine and present in motions, briefs, oral argument or such other fashion
15 as may be appropriate, the position of all of the plaintiffs as to all matters arising
16 during pretrial and trial proceedings;
17 e. To designate attorneys to act as spokespersons at pretrial conferences;
18 f. To conduct or coordinate discovery on behalf of plaintiffs consistent with the
19 requirements of the Federal Rules of Civil Procedure, including the preparation of
20 joint interrogatories, requests for production of documents, requests for
21 admissions and the examination of witnesses in depositions;
22 g. To designate attorneys to enter into stipulations necessary for the conduct of the
23 litigation with opposing counsel;
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- h. To make all work assignments, including the organization and formation of a Plaintiffs' Executive Committee and any subcommittees, whose role will be to assist in the prosecution of the consolidated action as directed and supervised by Interim Lead Class Counsel;
- i. To collect time, lodestar and expense reports from each firm in the consolidated action, including paralegals and any other staff members whose time is expected to be included in any fee petition;
- j. To employ and consult with experts;
- k. To call meetings of plaintiffs' counsel when deemed appropriate;
- l. To conduct settlement negotiations with defense counsel on behalf of plaintiffs and the putative direct purchaser class; and
- m. To otherwise coordinate the work of all plaintiffs' counsel, and perform such other duties as the Interim Lead Class Counsel deems necessary or as authorized by further order of the Court.

3. The Interim Lead Class Counsel are hereby designated as the counsel for plaintiffs in the coordinated actions upon whom all notices, orders, pleadings, motions, discovery, and memoranda relating to the coordinated actions shall be served, and defendants shall effect service of papers on the direct purchaser plaintiffs in the coordinated actions by serving each of the Interim Lead Class Counsel above. An agreement reached between defendant(s) and Interim Lead Class Counsel or their designee(s), shall be binding on all other plaintiffs' counsel in the direct purchaser coordinated actions.

1 4. All counsel shall keep a daily record of their time spent and expenses incurred in
2 connection with this litigation, indicating with specificity the hours, location, and particular
3 activity.
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6 Dated: _____

Honorable Sandra Brown Armstrong
United States District Court